

REMARKS

Applicant has carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application is hereby respectfully requested.

In the specification, a new specification element titled CROSS-REFERENCE TO RELATED APPLICATIONS has been entered after the title of the invention to reflect the priority from US Patent Application No. 09/624,983 filed July 25, 2000, now US Patent No. 6,763,191 as evidenced by the Filing Receipt.

The drawings are objected to under 37 C.F.R. §184(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figs. 2 and 3 do not show switching fabric element 55 referred to in the specification. The drawings are further objected to because the role of the switching fabric element 55 from Fig. 1 in relation to elements 100, 200 and 300 is not clear since it is not illustrated in Figs. 2-4 or described in a way that makes its relationship to elements 100, 200 and 300 clear. The Examiner further indicates that it is not clear from the

description of elements 100, 200 and 300 for Figs. 2-4 why Fig. 1 contains two "OSA" elements 45 and 50, when the claimed invention is described for one element 100, 200 or 300 in Figs. 2-4.

Fig. 2 has been amended to include an indication of a link between the optical switching apparatus 100 and the switching fabrics 55 for reception from and/or transmission to the switching fabrics 55.

Fig. 3 has been amended to include an indication of a link between the optical switching apparatus 200 and the switching fabrics 55 for reception from and/or transmission to the switching fabrics 55.

Fig. 4 has been amended to include an indication of a link between the optical switching apparatus 300 and the switching fabrics 55 for reception from and/or transmission to the switching fabrics 55.

Additionally, the arrangement of views in each of Figs. 2-4 has been amended by amending words to appear on a horizontal, left-to-right fashion when page is upright.

No new matter has been added.

Support for the amendments to the drawings, as well as for the role of the switching fabrics 55 of receiving optical signal samples from and/or providing optical signal samples to each of the elements 100, 200 and 300, is found

inter alia, in the following places in the specification: the last full paragraph on page 38; the paragraph bridging pages 39 and 40; the last full paragraph on page 41; the first full paragraph on page 44; and the paragraph bridging pages 44 and 45.

It is respectfully submitted that each of the amended Figs. 2-4 now includes a reference to the switching fabric element 55, and the role of the switching fabric element 55 in relation to elements 100, 200 and 300 has been clarified.

With respect to the Examiner's indication regarding the two "OSA" elements 45 and 50, it is respectfully submitted that the OSA element 45 and the OSA element 50 are similar OSA elements that are simply associated with separate ports of the communication switch 30. Each OSA element 45 is operatively associated with one of the input ports 35 of the communication switch 30 that is associated with one of the end nodes 20, whereas each OSA element 50 is operatively associated with one of the output ports 40 of the communication switch 30 that is associated with one of the remote node servers 25 as mentioned in the specification in the paragraph bridging pages 26 and 27. The OSA elements 45 and 50 are similar in structure and functionality as mentioned in the specification in the paragraph bridging pages 26 and 27 and in the second and third

full paragraphs on page 28. AS also mentioned by the Examiner, the elements 100, 200 and 300 are all equated with the elements 45 and 50, and each of the elements 45 and 50 may be any of the elements 100, 200, and 300.

The inclusion of the two OSA elements 45 and 50 in Fig. 1 has thus been clarified.

The drawings are therefore believed to be allowable.

Claims 1-17 were examined and are now pending in the application

Claims 1-3, 5-7, 9-13 and 15-17 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 6, 8, 12, 13, 17, 18 and 22-25 of US Patent No. 6,763,191 to Handelsman in view of an article titled "New Multiprotocol WDM/CDMA-Based Optical Switching Architecture" of Benhaddou et al; Simulation Symposium 2001. Proceedings. 34th Annual, 22-26 April 2001, Pages 285-291 (Benhaddou).

US Patent 6,763,191 and the present application are, and have been commonly owned by the Applicants. Attached herewith is a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) which is deemed to overcome the Examiner's rejections of claims 1-3, 5-7, 9-13 and 15-17. Also attached are copies of the assignments of the present application and US Patent No. 6,763,191 (Appln. Serial No. 09/624,983) dated

Appln. No. 09/976,243
Amd. dated February 2, 2005
Reply to Office Action of November 3, 2004

February 23, 2003, from Lightscape Networks to ECI Telecom, Ltd. These assignments were submitted for recordation in the USPTO on even date herewith.

Claims 1-3, 5-7, 9-13 and 15-17 are therefore allowable.

Claims 4, 8 and 14 are objected to as being dependent upon rejected base claims.


Since the base claims from which claims 4, 8 and 14 depend are allowable, claims 4, 8 and 14 in their present form are also believed to be allowable.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

If the Examiner has any questions he is invited to contact the undersigned at 202-628-5197.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached drawing sheets include changes to Figs. 2, 3 and 4.

The sheet which includes Fig. 2 replaces the original sheet including Fig. 2. In Fig. 2, an indication of a link between the optical switching apparatus 100 and the switching fabrics 55 for reception from and/or transmission to the switching fabrics 55 has been added. Additionally, the arrangement of views in Fig. 2 has been amended by amending words to appear on a horizontal, left-to-right fashion when page is upright.

The sheet which includes Fig. 3 replaces the original sheet including Fig. 3. In Fig. 3, an indication of a link between the optical switching apparatus 200 and the switching fabrics 55 for reception from and/or transmission to the switching fabrics 55 has been added. Additionally, the arrangement of views in Fig. 3 has been amended by amending words to appear on a horizontal, left-to-right fashion when page is upright.

The sheet which includes Fig. 4 replaces the original sheet including Fig. 4. In Fig. 4, an indication of a link between the optical switching apparatus 300 and the switching fabrics 55 for reception from and/or transmission to

the switching fabrics 55 has been added. Additionally, the arrangement of views in Fig. 4 has been amended by amending words to appear on a horizontal, left-to-right fashion when page is upright.